IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.143 OF 2005
IN
WRIT PETITION NO.2426 OF 1999

Britannia Industries Limited .... Petitioners
Vs.
Mumbai Agricultural Produce Market Committee & others .... Respondents

Shri C.M. Korde, Senior Counsel, i/b M/s. Solomon & Co. for the Petitioners.

Shri Y.R. Naik for the Respondent Nos.1 & 2.

AND

CHAMBER SUMMONS NO.177 OF 2005
IN
WRIT PETITION NO.353 OF 1998

IVP Limited & another .... Petitioners
Vs.
The Mumbai Agricultural Produce Market Committee & another .... Respondents
And
The State of Maharashtra ....Prop.Respondent

Sarvasri R.A. Dada, Senior Counsel, with P.A. Sawant i/b M/s Joy Legal Consultants for the Petitioners.

Shri Y.R. Naik for the Respondent No.1.

WITH
APPELLATE SIDE

CIVIL APPLICATION (STAMP) NO.16775 OF 2005
IN
WRIT PETITION NO.6315 OF 1996

Ruchi Soya Industries Limited & another .... Petitioners
Vs.
The State of Maharashtra & others .... Respondents

Ms Eventa Gonsalves for the Petitioners.

Shri Y.R. Naik for the Respondent Nos.2 & 3.

CIVIL APPLICATION (STAMP) NO.16776 OF 2005
IN
WRIT PETITION NO.6205 OF 1996

M/s. Union Industries & another .... Petitioners
Vs.
The State of Maharashtra & others .... Respondents

Ms Eventa Gonsalves for the Petitioners.

Shri Y.R. Naik for the Respondent Nos.2 & 3.

AND

CIVIL APPLICATION (STAMP) NO.16777 OF 2005
IN
WRIT PETITION NO.6206 OF 1996

Liberty Oil Mills Limited & another .... Petitioners
Vs.
The State of Maharashtra & others .... Respondents

Ms Eventa Gonsalves for the Petitioners.

Shri Y.R. Naik for the Respondent Nos.2 & 3.

CORAM: R.M.S. KHANDEPARKAR & V.M. KANADE, JJ.

DATED: SEPTEMBER 06, 2005

P.C:

1. Since common questions of law and facts arise in all these applications and the chamber summons, they were heard together and are being disposed of by this common order.

2. By these applications and the chamber summons, the petitioners/applicants are seeking to amend the petition by adding certain grounds which apparently relate to the point of law. The fact that the points sought to be incorporated by way of the amendment relates to the real controversy between the parties is not in dispute. Only objection which is sought to be raised on behalf of the respondents is that there was delay in seeking the amendment to the petition and some of the applicants are the members of the association who had earlier filed writ petition and had withdrawn the same unconditionally.

3. As regards the delay in filing the applications, that itself cannot be a ground to reject the applications for amendment when the points sought to be incorporated by way of amendment undisputedly relates to the real question in controversy. At the most, the grievance of delay on the part of the applicants can be compensated by way of costs. However, the issue as regards the point of costs also, it will have to be decided after considering the merits of the case.

4. As regards the withdrawal of the writ petition by an association to which some of the petitioners are the members, the said issue does not arise for consideration at the time of hearing of the applications for amendment

and same will have to be considered at the time of hearing of the matters on merit.

5. For the reasons stated above and considering the order of the Apex Court in Civil Appeal No.6609 of 2003, we do not find substance in the objection sought to be raised in the applications for amendment and hence the chamber summons and the civil applications in that regard needs to be allowed. Accordingly, the same are allowed. As regards the issue of costs, same shall be decided while dealing with the merits of the case in the writ petitions.

6. The amendment to be carried out within fourteen days.

7. The chamber summons and the civil applications stand disposed of.

(V.M. Kanade, J.) **(R.M.S. Khandeparkar, J.)**